

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

NATHAN B. MARTIN,)	
)	
Plaintiff,)	
vs.)	NO. CIV-09-0148-HE
)	
BERT RICHARD, ET AL.,)	
)	
Defendant.)	

ORDER

Plaintiff, a state prisoner appearing *pro se* and *in forma pauperis*, filed this action pursuant to 42 U.S.C. § 1983. Consistent with 28 U.S.C. § 636(b)(1)(B), the matter was referred to Magistrate Judge Gary M. Purcell, who recommended that the action be dismissed without prejudice due to the plaintiff's failure to pay the initial partial filing fee. The plaintiff previously requested an extension of time within which to pay the fee and that he be sent the information and forms needed to refile his complaint. Both requests were granted and the plaintiff was directed to pay the filing fee by March 31, 2009.

The plaintiff then requested another extension. He was granted one final extension and was advised that, if he did not pay the filing fee by May 4, 2009, the action would be dismissed without prejudice. As the plaintiff did not comply with the court's order and pay the required fee, this action is dismissed without prejudice.

IT IS SO ORDERED.

Dated this 6 day of May, 2009.



JOE HEATON
UNITED STATES DISTRICT JUDGE